

June 13, 2024

FILED ON ECF VIA LETTER-MOTION

Honorable Robyn F. Tarnofsky
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 703
New York, NY 10007

Re: *Parker v. Bursor, 24-cv-245 (JGLC) (RFT)*
Letter-Motion to Approve Proposed Protective Order

Dear Magistrate Judge Tarnofsky:

This Firm, along with Judd Burstein, P.C., represents Defendants Scott Bursor and Bursor & Fisher, P.A. (collectively, “Defendants”) in the above-referenced matter. We submit this letter-motion pursuant to paragraph II(D) of Your Honor’s Individual Practices in Civil Cases, and on behalf of and with the consent of Plaintiff’s counsel, to request that Your Honor approve and enter the parties’ attached Confidentiality Stipulation and Proposed Protective Order, which contains slight additions to the Court’s form Order.

As shown in the attached redline, the parties’ proposed additions to the Confidentiality Stipulation and Proposed Protective Order are all contained in paragraphs 4 and 8. Paragraph 4 lists the categories of individuals to whom documents designated as “CONFIDENTIAL” may be disclosed. Specifically, the parties have added the word “investigators” in paragraph 4.c, and have added new sub-paragraphs d and e, allowing “CONFIDENTIAL” documents to be disclosed to (d) trial and deposition witnesses during the course of their examinations and (e) any other person agreed to by the parties in writing. These additions reflect the fact that confidential documents may need to be disclosed to deposition and trial witnesses as part of discovery, and that changing circumstances or additional information learned during discovery may warrant an expansion of the categories of persons who may view confidential information produced during discovery provided all parties agree.

Paragraph 8 adds sentences (a) stating that neither Federal Rule of Evidence 502(b) nor the common law regarding waiver of privilege shall have any application to any party’s claim of production of privileged documents, ESI or information, and (b) setting forth a mechanism for addressing claims of privilege as to documents and ESI that are produced in discovery. The purpose of these additions are to provide maximum protection to the parties against any waiver of attorney-client privilege, whether inadvertent or otherwise.

GIBBONS P.C.

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Accordingly, the parties respectfully request that Court approve and enter the parties' attached Confidentiality Stipulation and Proposed Protective Order.

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Christine A. Amalfe

Christine A. Amalfe

cc: All counsel of record (via ECF)